

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Norihiro Iwai
Serial No. : 09/888,930
Filed : 06/25/20001
For : SEMICONDUCTOR OPTICAL WAVEGUIDE
STRUCTURE
Group Art Unit : 2823
Examiner : G. FOURSON, III
Batch No. : N90

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

**PETITION TO ACCEPT DELAYED PAYMENT OF ISSUE FEE
PURSUANT TO 37 C.F.R. 1.137(b)**

Dear Sir:

Petitioner hereby petitions the Commissioner to accept payment of the issue fee later than three months after the mailing of the Notice of Allowance as though no abandonment had ever occurred. Petitioner hereby submits that the entire delay was unintentional.

The above-identified application was abandoned on January 23, 2002 by failure to make timely payment of the issue fee. Applicant has not yet received a Notice of Abandonment for this application.

The Publication Fee for the current application is due today, February 14, 2002.

12/12/2002 SHELLEY 00000003 501290 09888930

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Any fee due with this paper may be
charged on Deposit Account No. 50-1290

11123272.01

Filed by Express Mail
(Receipt No. 24889286)
on February 14, 2002
pursuant to 37 C.F.R. 1.137(b)
by G. VALENZUELA

Thus, Applicant hereby authorizes the Commissioner to charge the publication fee to Deposit Account No. 50-1290.

The Commissioner is hereby authorized to charge the issue fee (set forth in 37 C.F.R. § 1.18) for other than a small entity and the petition fee required by § 1.137(b)(2) as set forth in § 1.17(m) to Deposit Account No. 50-1290. Any other fees due with this petition may also be charged on Deposit Account 50-1290.

Petitioner is enclosing herewith the issue fee transmittal sheet and formal drawings. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

Petitioner is also enclosing herewith a request for change in correspondence address for the current application.

Please direct any inquiries regarding this petition to the Applicant's undersigned attorney who may be reached directly by telephone at (212)940-8712.

Respectfully submitted,



Linda S. Chan
Attorney for Petitioner/Applicant

Rosenman & Colin LLP
575 Madison Avenue
New York, NY 10022-2585
Telephone: (212)940-8800
Facsimile: (212)940-8776
Attorney Docket No.: SOH 14.569A

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PATENTS

To: Assistant Commissioner for Patents

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Inventor(s): _____

Title: _____

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Attorney _____

The U.S. Patent & Trademark Office stamp herein acknowledges receipt of the following:

<input type="checkbox"/> Application (Utility or Design)	<input type="checkbox"/> Total Pages
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Sheets of Drawings (Figs. _____)
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For : SEMICONDUCTOR OPTICAL WAVEGUIDE
STRUCTURE
Group Art Unit : 2823
Examiner : G. FOURSON, III
Batch No. : N90

November 13, 2002

ATTN: Examiner Tom Hawkins

By Facsimile: 703-305-8755
Commissioner for Patents
Washington, D.C. 20231

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Statement of G. Valencia Ward-Armstrong

I, G. Valencia Ward-Armstrong, hereby declare that the Petition to Accept Delayed Payment of Issue Fee Pursuant to 37 C.F.R. 1.137(b) filed for the above-referenced application, a copy of which is attached, was deposited with the United States Postal Service as Express Mail on February 14, 2002 (Express Mail Receipt No. EL818389296US).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Ser. No.: 09/888,930

code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 13, 2002

Attorney Docket No.: SOH 14.569A

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, New York 10022-2585
Telephone: (212)940-8712
Fax: (212)940-8776



G. Valencia Ward-Armstrong

KMZ Rosenman
KATTEN MUCHIN ZAVIS ROSENMAN575 Madison Avenue
New York, NY 10022-2585
212 940.8800 office 212 940.8776 fax**Facsimile**

To	Company	Fax Number	Phone Number
1 Examiner Tom Hawkins	United States Patent and Trademark Office	703-305-8755	
Date		Client/Matter Number	
November 13, 2002		100933-16751	
From		Attorney Number	
Linda S. Chan		20093	
Phone		Fax	
212-940-8712		212-940-8986 / 212-940-8987	
Total number of pages, including cover letter: 9			
If you do not receive all of the pages, please call: (212)940-8712			

Comments

U.S. Patent Application No. 09/888,930
Petition for Acceptance of Late Payment of Maintenance Fee
Our Ref.: SOH 14.569A (100933-16751)

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 I hereby certify that this paper is being facsimile
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 the date November 13, 2002

G. VALENCIA WARD-ARMSTRONG
 Director of the Office of the Patent and Trademark Office

Signature

Date November 13, 2002

KMZ Rosenman
 KATTER MACHIN ZAVIS ROSENMAN

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November 13, 2002

By Facsimile: 703-305-8755
 Examiner Tom Hawkins
 United States Patent and Trademark Office
 Washington, D.C. 20231

Re: U.S. Patent Application No. 09/888,930
 Petition for Acceptance of Late Payment of Maintenance Fee
Our Ref.: SOH 14.569A (100933-16751)

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Dear Mr. Hawkins:

Further our telephone conference of earlier today, please find following this letter a copy of the petition, which was filed on February 14, 2002 concurrently with the filing of the Issue Fee Transmittal and drawings. The petition requested acceptance of the late payment of the Issue Fee which was due on January 23, 2002. The petition also included instructions for payment of the publication fee which was due on February 14, 2002.

As it appears that the Issue Fee Transmittal was received and processed, I am not including a copy of the Issue Fee Transmittal or the drawings with this paper. Also enclosed is a statement from G. Valencia Ward-Armstrong, who signed the Certificate of Mailing under 37 CFR § 1.10 affixed to the paper, attesting to the deposit of the petition with the U.S. Postal Service on February 14, 2002.

In further support of the submission of the petition on February 14, 2002, also enclosed is a print-out from the United States Postal Service's web site indicating delivery of the package sent as Express Mail Receipt No. EL818389296US. Also enclosed is a copy of the return postcard indicating receipt by the office of the Issue Fee Transmittal and drawings. Please note, as a result of a clerical error, the petition was not noted on the return postcard. However, as the petition was filed concurrently with the issue fee transmittal, it is believed that the receipt of the Issue Fee Transmittal evidences receipt by the office of the petition.

In view of the foregoing, it is respectfully requested that the petition filed February 14, 2002 be entered and the delayed payment of the issue fee for U.S. Patent Application no. 09/888,930 accepted such that the application may proceed to issuance.

Please feel free to contact me directly by telephone to (212)940-8712 should you require any further documentation or have any questions regarding this paper or the petition filed on February 14, 2002.

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Examiner Tom Hawkins
November 13, 2002
Page 2

It is believed that no fee is due with this paper. However, any fee that may be due with this paper may be charged on Deposit Account No. 50-1290.

Sincerely,



Linda S. Chan

Attachments